IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 267 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

KASAM MALUK SAMA

Appearance:

1. Civil Revision Application No. 267 of 1998

MR YOGESH S LAKHANI for Petitioner No. 1

MR SURESH M SHAH for Respondent No. 1

MR MEHUL S SHAH for Respondent No. 1

RULE UNSERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/03/2004

ORAL JUDGEMENT

By filing this revision, the State Road Transport

Corporation has challenged the order passed by M.A.C.T. (Main) Kutch-Bhuj, below Exh.6 in M.A.C.P. No.396/1997.

2) The respondent herein is the claimant of the aforesaid petition. He sustained injuries in a vehicular accident. In the above suit, he preferred an application under Section 140 of the Motor Vehicles Act, 1998, on the basis of "no fault liability". The learned trial Judge has found that the applicant has sustained vehicular injuries. It was also found that the vehicle was of the ownership of S.T.Corporation. The trial Court came to the conclusion that provisions of Section 140 of the Motor Vehicles Act, 1998 are also proved. Considering the fact and circumstances of the case, the Tribunal awarded Rs.25,000/- as interim compensation.

3) It is not in dispute that the petitioner-Corporation has deposited the amount before the Tribunal. Considering the reasoning of the tribunal, no interference of this Court is called for in a revision under Section 115 of C.P.C. hence, this Civil Revision Application is rejected. Motor Accident Claim Petition No.396/1997 is ordered to be expedited and the tribunal may try to dispose of the same as expeditiously as possible and latest by 31st December, 2004.

4) Accordingly, this Civil Revision Application is rejected. Rule is discharged. Interim relief granted earlier stands vacated.

(P.B.Majmudar,J.)

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